

## **REMARKS**

### ***Status of the Application***

1. Claims 1-38 have been examined in this application in response to communications filed on July 30, 2008.

### ***Status of the Claims***

2. **Claims 1-2, 4-12, 14-22, 24-27, 29-34 and 36-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,496,804 to McEvoy in view of US Patent Application Publication 2005/0033639 to Myers and in further view of US Patent Number 5,832,449 to Cunningham (from the applicant's Information Disclosure Statement (IDS)).

3. **Claim 3** stands rejected under 35 U.S.C. 103(a) as being unpatentable over McEvoy in view of Myers and Cunningham as applied to Claim 2 above, and in further view of US Patent Number 5,666,490 to Gillings.

(B) As per claims 23, 28 and 35, these claims repeat features previously addressed in the rejection of claims 1-14 and are rejected on the same basis.

5. **Claim 13** stands rejected under 35 U.S.C. 103(a) as being unpatentable over McEvoy in view of Myers and Cunningham, as applied to Claim 1, above.

Applicant traverses each of the rejections and requests reconsideration.

Claims 1, 15, 25, 34 and 37 have been amended to more explicitly claim the ability to integrate patient data with drug sample usage data in order to obtain data on the patients that are using the drug samples. No new matter is added by way of these claim amendments.

### ***Argument***

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. The amendments presented herein are necessary to more explicitly claim the ability to integrate patient data with drug sample usage data in order to obtain data on the patients that are using the drug samples. The amendments presented herein were not earlier presented because Applicant

believed that the prior response incorporated the examiner's suggestion that applicant consider amendments to the independent claims so that the ability to integrate patient data with drug sample usage data in order to obtain data on the patients that are using the drug samples was more explicitly claimed, and for at least the reasons given in the prior response, the cited references neither alone, nor in combination, disclosed the Applicant's invention as presently claimed. Accordingly, entry of the present amendments, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is respectfully requested under 37 C.F.R. §1.116.

***Summary and Telephone Interview Request***

Applicant submits that the Examiner's cited references neither alone, nor in combination, disclose the Applicant's invention as presently claimed. For all of the reasons set out above, Applicant respectfully submits that the application in its present form is in condition for allowance and action toward that goal is respectfully requested.

The Examiner is kindly invited to contact applicant's agent Henry Ohab at 416.862.3593 if it would be of assistance in resolving any issues in this application.

Date: December 1, 2008

Respectfully submitted,

/Henry Ohab/

Henry Ohab

Agent for the Applicant

Reg. No. 45,854